

NOTICE OF FILING AND PUBLIC HEARING

D.T.E. 04-44

January 14, 2005

Complaint of Local 12325 and Twenty Four Named Customers pursuant to G.L. c. 164, § 93 into the price and quality of gas sold by the Berkshire Gas Company.

On April 9, 2004, the United Steelworkers Association of America, Local 12325 filed jointly with 24 named customers (collectively, "Petitioners") of The Berkshire Gas Company ("Berkshire" or "Company") a complaint with the Department of Telecommunications and Energy ("Department") pursuant to G.L. c. 164, § 93 regarding the quality and price of gas sold by Berkshire. The Petitioners allege that Berkshire's present staffing levels are below the levels required under G.L. c. 164, §§ 1E and 1F. The Petitioners claim that the failure to maintain the staffing levels required by law results in (1) the quality of service being lower than it would be with the higher, required staffing levels; (2) the price of gas being higher than is justified by the illegally low staffing levels; or (3) both. The Department has docketed this matter as D.T.E. 04-44.

A copy of the petition is available for public viewing during regular business hours at the following locations: Public Library, Massachusetts; and at the offices of the Department, One South Station - 2nd Floor, Boston, Massachusetts 02110. The petition is also available on the Department's Website, <http://www.mass.gov/dpu>. For further information on the Company's petition, please contact Charles Harak, Esq., 77 Summer Street, 10th Floor, Boston, MA 02114.

The Department will conduct a public hearing to receive comments on the Petitioner's complaint at the following location:

Tuesday, February 22, 2005 - In the Lower Internal Meeting Room, Bangs Community Center, 70 Boltwood Walk, Amherst, Massachusetts at 7:00 P.M.

Persons interested in commenting on the Company's filing may appear at the public hearing or file written comments with the Department by the close of business (5:00 p.m.) on **Tuesday, February 1, 2005.**

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station - 2nd Floor, Boston, Massachusetts 02110, not later than 5:00 p.m. on **Tuesday, February 1, 2005**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver pursuant to 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A § 10.

All written comments also should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and caroline.bulger@state.ma.us; or (2) on a 3.5" disk. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 04-44); (2) name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing also should include the name, title, and telephone number of a person to contact in the event of questions about the filing. Text responses should be created in either Corel WordPerfect, Microsoft Word, or as an Adobe-compatible PDF file. Data or spreadsheet responses should be compatible with Microsoft Excel. All comments submitted in electronic format will be posted on the Department's Web site: <http://www.mass.gov/dte/>.

ORDER OF NOTICE

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Berkshire Gas Company ("Company") is required to publish the attached legal notice in either the Boston Globe or Boston Herald and the Daily Hampshire Gazette, once at least twenty-one (21) days and once again seven (7) days prior to February 22, 2005.

The Company is required to give notice of this proceeding to the Chairmen of the Boards of Selectmen, Town Clerks, Mayors, and City Clerks of the attached list, the parties in Berkshire Gas Company, D.T.E. 01-56 (2002), and to make return of service and publication at the time of the first public hearing.

By Order of the Department,

Mary L. Cottrell, Secretary